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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,238	01/21/2004	Kia Silverbrook	MPA20US	2189
.24011	7590	11/29/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			GOLDBERG, BRIAN J	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/760,238	Applicant(s) SILVERBROOK ET AL.	
	Examiner Brian Goldberg	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to because Figure 17C is referenced in the specification on page 13 line 19, page 14 line 37, page 17 line 26, page 18 line 15, page 22 line 17, and possibly others. This was already brought to your attention in the Pre-Exam Formalities Notice mailed 4/27/2004. Also, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: fluid distribution stack 500, and possibly others. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 3 and 4 are objected to because of the following informalities: It is not fully clear from the specification or drawings what is meant by "locking members".

Claim 4 also states "the lug members on the clamped the longitudinally extending tab" in the last line of the claim. This is not a proper sentence. Appropriate correction or explanation is required.

4. Claim 5 is objected to because of the following informalities: the claim states "the clamping arrangement of the at least one the mounting element" in the first and second line of the claim. This is not a proper sentence. Appropriate correction or explanation is required.

5. Claims 4 and 7 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 recites the limitation "the mounted positions" in the third line of the claim.

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There is insufficient antecedent basis for this limitation in the claim since there is no previous reference to mounted positions of the printhead integrated circuits. Claim 7 recites the limitation "the fluid distribution members" in the last two lines of the claim.

There is insufficient antecedent basis for this limitation in the claim since it is only referred to in the singular as "at least one fluid distribution member" prior to this reference. Also, it is not clear what "respective ones" is referring to in the second to last line of the claim. Appropriate correction or explanation is required.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application

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No. 10/760,200. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the elements of claims 1 and 2 of the instant application are contained in claims 1 and 2 of the copending application respectively. Also, claims 3-7 of the instant application are the same as claims 3-7 of the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverbrook et al.

10. Regarding claim 1, Silverbrook et al. disclose “at least one printhead module (10 of Fig 2) comprising at least two printhead integrated circuits (18 of Fig 4), each of which has nozzles formed therein for delivering printing fluid onto the surface of print media (col 3 ln 45-47), a support member (28 of Fig 8) supporting and carrying the printing fluid for the at least two printhead integrated circuits, and an electrical connector (48 of Fig 8) for connecting electrical signals to the at least two printhead integrated circuits; drive electronics incorporating at least one controller which is connected to at least one of the at least two printhead integrated circuits via the electrical connector for

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controlling the printing operation of at least one of the at least two printhead integrated circuits (col 3 ln 49 and ln 59-65); and a casing (14 of Fig 3) removably supporting at least one mounting element (lower portion of Fig 8) which mounts the drive electronics and incorporates a clamping arrangement (94 and curved edge of 14 of Fig 2) for clamping the at least one printhead module to the casing."

11. Regarding claim 2, Silverbrook et al. disclose "the support member includes longitudinally extending tabs (44 of Fig 11) on the two parallel sides thereof; the casing comprises a support frame (64, 94, lower parts of 76 and 32 of Fig 2) for supporting the at least one mounting element, the support frame comprising a first side wall (94 of Fig 2) having a longitudinally extending recessed groove (92 of Fig 5) and a second side wall (64 of Fig 2) substantially parallel to the first side wall; and the longitudinally extending tab (44 Fig 11) on one side of the support member is received in the longitudinally extending recessed groove (92 of Fig 5) of the support frame and the longitudinally extending tab on the other side of the support member is received on an upper surface of the second side wall (64 of Fig 5) of the support frame (see Fig 5)."

12. Regarding claim 3, Silverbrook et al. disclose "wherein the clamping arrangement comprises locking members (97 of Fig 3) for interlocking with lug members (tips of 44 of Fig 11) of the printhead module."

13. Regarding claim 4, Silverbrook et al. disclose "wherein the lug members (tips of 44 of Fig 11) are provided along the longitudinally extending tabs (44 of Fig 11) of the support member and are spaced so as to correspond to the mounted portions of the at least two printhead integrated circuits (18 of Fig 8), and the locking members (97 of Fig

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3) of the clamping arrangement are provided as recessed portions which engage with the lug members (tips of 44 of Fig 11) on the clamped the longitudinally extending tab (44 of Fig 11)."

14. Regarding claim 5, Silverbrook et al. disclose "wherein the clamping arrangement of the at least one the mounting element comprises at least one extending arm portion (lower portion of 64 of Fig 2) so as to clamp the longitudinally extending tab (44 of Fig 11) of the support member to the upper surface of the second side wall (64 of Fig 5) of the support frame."

15. Regarding claim 6, Silverbrook et al. disclose "wherein the at least one extending arm portion includes at least one of the recessed portions (92 of Fig 5) of the clamping arrangement."

16. Regarding claim 7, Silverbrook et al. disclose "the at least one printhead module (10 of Fig 2) is formed as a unitary arrangement of the at least two printhead integrated circuits (18 of Fig 4), the support member (28 of Fig 8), the electrical connector (48 of Fig 8), and at least one fluid distribution member (26 of Fig 7) mounting the at least two printhead integrated circuits to the support member; and the support member has at least one longitudinally extending channel (30 of Fig 8) for carrying the printing fluid for the printhead integrated circuits and includes a plurality of apertures (72 of Fig 8) extending through a wall of the support member arranged so as to direct the printing fluid from the at least one channel to associated nozzles in both, or if more than two, all of the printhead integrated circuits by way of respective ones of the fluid distribution members (see Fig 7 and col 3 ln 45-47)."

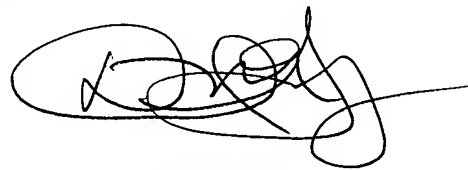
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goldberg whose telephone number is 571-272-2728. The examiner can normally be reached on Monday through Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJG

A handwritten signature in black ink, appearing to be 'David Gray', with a large, stylized loop at the end.

David Gray
Primary Examiner